

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	
Randy Jay Spencer	:	Case No. 24-10166-JCM
	:	
Debtor(s)	:	Chapter 13
	:	
Randy Jay Spencer	:	Related to Doc. 104
	:	
Movant(s)	:	Hearing Date: 1/21/25 at 2:00 p.m.
	:	
vs.	:	
No Respondents	:	
Respondent(s)	:	

CHAPTER 13 TRUSTEE'S RESPONSE TO
AMENDED DEBTOR'S APPLICATION TO EMPLOY SPECIAL
COUNSEL NUNC PRO TUNC

1. The Motion seeks approval of the employment of special counsel for a seemingly unscheduled cause of action, i.e., a claim "for damages pending against several adjoining property owners for damages sustained when as the result of an improper connection to Plaintiff's water line, a leak undermined a tree and caused it to fall. The case is Twila Spencer and Randy Spencer vs. Gregory Cornell, Wendy Cornell, and David Zook, Civ. No. 917-2020 in the Venango County Court of Common Pleas."

2. The originally filed Motion (at Doc 101) indicated that the applicant was willing to handle the case through an arbitration hearing in consideration of an additional fee of \$1,500, which represents an anticipated hourly rate of less than \$215.00 per hour based on anticipated preparation time of 2 hours, hearing time of 2 hours, and travel time to and from Franklin, PA for the hearing of an additional 3 hours." The amended motion deletes this provision. Instead, the Amended Motion substitutes the statement that "There is no formal retainer agreement for this case." Although the Motion pleads that "Debtor believes that the fee arrangement is reasonable" (notwithstanding the fact there is none provided for in the motion), given the lack of

disclosure of the terms of the engagement the Trustee cannot agree either as to the terms of the engagement, or given the lack of information concerning the estimated value of the action, the engagement for purposes of the prosecution of the action.

WHEREFORE, the Trustee respectfully requests that the Motion be denied.

RONDA J. WINNECOUR,
CHAPTER 13 TRUSTEE

Date: December 19, 2024

By: /s/ Owen W. Katz
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December 2024, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Office of the U.S. Trustee
1000 Liberty Avenue, Suite 1316
Pittsburgh, PA 15222

All Parties on the attached Mailing Matrix

/s/Rosa M. Richard
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